

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

T.F., by his next friend Tracy Keller; K.D.,  
by his next friend Laura Ferenci; C.O, by  
her next friend Laura Ferenci; L.L, by his  
next friend Gerald Kegler; T.T. and M.T.,  
by their next friend Dr. Caryn Zembrosky;  
T.M., T.E., and A.T., by their next friend  
James Dorsey; A.W., by his next friend  
Margaret Shulman; I.W., D.W., and B.W.,  
by their next friend Gloria Anderson; and  
J.W., by her next friend Margaret  
Schulman; individually and on behalf of  
all others similarly situated,

Civ. No. 17-1826 (PAM/BRT)

Plaintiffs,

v.

**ORDER**

Hennepin County; Hennepin County  
Department of Human Services and Public  
Health; David J. Hough, Hennepin County  
Administrator; Jennifer DeCubellis,  
Hennepin County Deputy Administrator  
for Health and Human Services; Jodi  
Wentland, Hennepin County Director of  
Human Services; Janine Moore, Director,  
Hennepin County Child and Family  
Services; and Pamela Wheelock, Acting  
Commissioner, Minnesota Department of  
Human Services,

Defendants.

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This matter is before the Court on Plaintiffs' Motion for Preliminary Approval of Settlement under Fed. R. Civ. P. 23(e), and for provisional class certification for settlement purposes. Plaintiffs filed an executed copy of the Stipulation and Settlement Agreement

and a copy of the proposed Class Notice along with the Motion. The Court held a hearing on the Motion on July 30, 2019.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Motion (Docket No. 224) is **GRANTED** and the settlement contained in the Stipulation and Settlement Agreement is **PRELIMINARILY APPROVED**.
2. The Court preliminarily determines that Plaintiffs are members of the Settlement Classes and that, for purposes of settlement, they: (1) satisfy the requirements of typicality; (2) adequately represent the interests of the Settlement Classes; and (3) should be appointed as representatives of the Settlement Classes.
3. The Court preliminarily determines that the following Settlement Classes meet all applicable requirements of Fed. R. Civ. P. 23, and the following Settlement Classes for purposes of the Settlement are **CONDITIONALLY CERTIFIED**:
  - a. **Maltreatment Report Settlement Class.** All children who were the subject of maltreatment reports made or referred to Hennepin County during the Class Period that were or should have been investigated or assessed by Defendants pursuant to Minn. Stat. § 626.556.
  - b. **Special Relationship Settlement Class.** All children for whom Hennepin County had legal responsibility and/or a special relationship in the context of the child protection system during the Class Period.
4. The Court **APPOINTS** Faegre Baker Daniels LLP; A Better Childhood, Inc.; and Cuti Hecker Wang LLP as Settlement Class Counsel pursuant to Fed. R. Civ. P. 23(g).

5. A final approval hearing will be held on December 19, 2019 at 10:00 a.m. in Courtroom 7D, United States District Court, Warrant E. Burger Federal Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101 to: (1) finally determine whether the Settlement Classes satisfy the applicable requirements of Fed. R. Civ. P. 23 and should be finally certified for settlement purposes only; (2) review objections, if any, regarding the settlement; (3) consider further the fairness, reasonableness, and adequacy of the settlement; and (4) consider whether the Court will issue the Final Order and Judgment Approving Settlement and will dismiss the Remaining Claims without prejudice.
6. The Court determines that the proposed Class Notice and Notice Plan meet the requirements of Fed. R. Civ. P. 23(c)(2)(A) and due process and provide appropriate notice.
7. Settlement Class Counsel and Defendants' Counsel are **DIRECTED** to cause the Class Notice to be distributed on or before the Notice Date as set forth below in the manner set forth in the Notice Program, the cost of which will be paid by Hennepin County.
8. Any member of either Settlement Class who wishes to object to the fairness, reasonableness, or adequacy of the settlement must submit to Settlement Class Counsel, postmarked on or before the Objection Deadline set forth below, a statement of his or her objection, as well as the specific reason(s), if any, for each objection, including any legal support that the Settlement Class member wishes to bring to the Court's attention and any evidence that the Settlement Class member wishes to introduce in support of his/her objection. Any such Settlement Class member must also state whether the Settlement Class member and/or his/her counsel wish to make an appearance at the Final Approval Hearing. Any Settlement Class member who fails to abide by these requirements will be barred from separately objecting.
9. All applicable pretrial deadlines in this action are suspended.

10. The Court adopts the following schedule for the final approval hearing, notice date, and objection deadline:

<b>EVENT</b>	<b>DATE</b>
Preliminary Approval Hearing	<b>July 30, 2019</b>
Notice Date	<b>14 days following date of preliminary approval</b>
Mailing Deadline for Objections	<b>60 days following Notice Date</b>
Deadline for filing papers in support of Final Approval of Settlement	<b>21 Days After Objection Deadline</b>
Final Approval Hearing	<b>Dec. 19, 2019 at 10:00 a.m.</b>

Dated: July 31, 2019

*s/ Paul A. Magnuson*  
PAUL A. MAGNUSON  
United States District Court Judge